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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,482	07/16/2003	Detlef Cordts	331.1045	9078
23280	7590	11/28/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	
DATE MAILED: 11/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,482

Applicant(s)

CORDTS ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed October 14, 2005 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2005 has been entered.

Specification

3. The disclosure is objected to as failing to comply with 37 CFR 1.74 because the detailed description at paragraphs 0024-0027 fails to describe the invention by referring to the drawings by figure numbers and reference numerals.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 14 recites that the bearing of each joint is spherical. However, the specification teaches away from such structure. In paragraph 0009, the specification discloses that cylindrical bearings instead of spherical bearings are preferred for specific reasons, but does not give any reason why one would ever use spherical bearings instead of cylindrical bearings.

6. Claims 12 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 12 recites the limitation "each corresponding axial plane". There is insufficient antecedent basis for this limitation in the claim.

b. Claim 15 recites that at least one the joints includes a cylindrical bearing. It is not clear if the cylindrical bearing of this one joint is the same as, or different from the bearing recited in claim 1, lines 15 & 16.

Claim Rejections - 35 USC § 102

7. Claims 1-7, 11 & 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0592297.

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- a. Claim 1. Fig. 12 shows a coupling for connecting a driving machine part and a driven machine part, the coupling comprising: an intermediate shaft 50 defining a shaft axis and having two shaft ends and at least one first connecting flange 51 that includes a radially and axially protruding first claw (the claws of the intermediate shaft are not numbered in Fig. 12, but similar claws are nominally identified by numeral 12 in Fig. 2) having a plurality of first bearing journals (the bearing journals of the intermediate shaft are not numbered in Fig. 12, but similar journals are identified by numeral 14 in Fig. 2) and wherein each of the driving machine part and the driven machine part include at least one second connecting 10 & 20 that includes a radially and axially protruding second claw 11-13 & 21-23 (see Figs. 3 & 5) having a plurality of second bearing journals 14 & 24 (see Figs. 2 & 4); and a first articulated lever coupling disposed at one of the two shaft ends and having at least three identical articulate levers 30. Figs. 8, 9 & 12 show each lever 30 comprises: two lever ends 31a, 35a and an elastic joint 31, 35 defining a joint axis disposed at each lever end, each lever engaging one first bearing journal and one second bearing journal 14 & 2. Figs. 9 & 12 show the joint axis of each lever is disposed perpendicular to the shaft axis. Figs. 2, 4 & 12 show each of the first and second journals 14, 24 includes a conical shape for a non-blocking seating with the elastic joints 31 & 35 and Fig. 11 shows each elastic joint includes a bearing 41, 42 having an elastomer layer.
- b. Claim 2. Fig. 12 shows a second articulated lever coupling disposed at the other of the two shaft ends of the intermediate shaft 50 that is identical to the first articulated lever coupling noted above.
- c. Claim 3. Fig. 12 shows the driving machine part includes a shaft 2.

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- d. Claim 4. Fig. 12 shows the driven machine part includes a shaft 3.
- e. Claim 5. Fig. 7 shows the joint axes of each articulated lever 30 are parallel to one another.
- f. Claim 6. Figs. 7 & 11 show six articulated levers 30.
- g. Claim 7. Fig. 12 shows the joint axes lie in a radial plane.
- h. Claim 11. Figs. 2-5 show each of the second claws 11-13 & 21-23 is integrally connected to at least one of the second bearing journals 14 & 24. Fig. 12 shows each of the first claws is integrally connected to at least one of the first bearing journals.
- i. Claim 15. Figs. 9 & 10 show at least one of the joints includes a cylindrical bearing 42.
- j. Claim 16. Fig. 9 shows the elastomer layer of the bearing 42 is bonded to an adjacent metal part 47.
- k. Claim 17. Figs. 7 & 9 show each of the articulate levers 30 includes a protruding lug (see the tapered distal end of either of the elastic joints 31 & 35).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0592297. Fig. 12 shows a coupling comprising all the limitations of the claim, but does not expressly disclose making the bearing of each joint spherical. However, applicant has not disclosed making the bearings spherical solves any particular problem or is for any particular purpose. Furthermore, it appears that bearings could (and should as admitted by applicant himself at paragraph 0009) be cylindrical which is the shape shown in EP0592297. As such the use of spherically shaped bearings is deemed to be a design consideration that fails to patentably distinguish over EP0592297.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GREGORY J. BINDA
PRIMARY EXAMINER